

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.;
SPECTRUM ADVANCED SERVICES,
LLC; AND SPECTRUM MANAGEMENT
HOLDING COMPANY, LLC,

Defendants.

Case No. 2:22-cv-00125-JRG

JURY TRIAL DEMANDED

JOINT MOTION FOR LIMITED EXPEDITED VENUE DISCOVERY AND EXTENSION OF TIME TO RESPOND TO CHARTER’S MOTION TO DISMISS FOR IMPROPER VENUE

Plaintiff Entropic Communications, LLC (“Entropic” or “Plaintiff”) and Defendants Charter Communications, Inc., Spectrum Advanced Services, LLC, and Spectrum Management Holding Company, LLC (collectively “Charter” or “Defendants”) jointly move for limited expedited venue discovery and an extension of time to respond to Charter’s Motion to Dismiss for Improper Venue Pursuant to FRCP 12(b)(3) (Dkt. No. 18) (the “Motion to Dismiss”).

1. Limited Venue Discovery Is Warranted Under the Circumstances

Entropic filed its complaint against Defendants on April 27, 2022, alleging infringement of U.S. Patent Nos. 8,223,775; 8,284,690; 8,792,008; 9,210,362; 9,825,826; and 10,135,682. Dkt. No. 1. On May 24, 2022, Entropic filed an Amended Complaint. Dkt. No. 12. On July 8, 2022, Defendants filed their Motion to Dismiss. Dkt. 18.

In its Motion to Dismiss, Charter raises various issues concerning the Eastern District of Texas as a proper venue. Charter submitted four declarations in support of its motion, which provide information about Defendants’ connections to this district. The declarations also provide

information about a subsidiary, Spectrum Gulf Coast, LLC, its connections to this district and its relationship with Defendants.

Here, Entropic seeks discovery to fairly respond to the Motion to Dismiss, including discovery to determine the defendants' activities in this district, the activities of Spectrum Gulf Coast, LLC in this district, and the relationship between Defendants and Spectrum Gulf Coast, LLC. Entropic can only use publicly available information to oppose the Motion to Dismiss, whereas Defendants have access to both publicly available and internal confidential (and non-confidential) information to support its motions. Limited venue discovery will also permit the Court to have a more complete record to analyze the issues Defendants raise in its motion. Limited venue discovery is, therefore, warranted under the circumstances. *See Blitzsafe Tex. LLC v. Mitsubishi Elec. Corp.*, No. 2:17-CV-00430-JRG, 2019 WL 2210686, at *3 (E.D. Tex. May 22, 2019) (“discovery ‘could . . . add[] [] significant facts’ that might bear on the jurisdictional determination.” (quoting *Alpine View Co. v. Atlas Copco AB*, 205 F.3d 208, 221 (5th Cir. 2000))); *see also Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 350 n.13 (1978) (“[W]here issues arise as to jurisdiction or venue, discovery is available to ascertain the facts bearing on such issues.”).

The parties have jointly arrived at the following agreed plan for expedited venue discovery:

1. Rule 30(b)(6) Deposition of Charter Communications, Inc., Spectrum Advanced Services, LLC, and Spectrum Management Holding Company, LLC on venue;
2. Up to 7 total venue interrogatories to Charter, responses due 14 days from service; and
3. Up to 7 total venue requests for production to Charter, responses due 14 days from service.

The parties have also jointly agreed that venue discovery shall be completed by September 30, 2022.

The parties have also jointly agreed that Plaintiff's opposition to the Motion to Dismiss will be due on October 14, 2022.

The parties respectfully request that the Court order the agreed limited venue discovery and extension of time described above.

Should the Court deny the present motion, Entropic alternatively requests that its deadline to respond to the Motion to Dismiss be extended to seven days after any Court order denying this motion.

4. Conclusion

For the foregoing reasons, the parties request that the Court allow the expedited venue discovery and extension of time to file opposition brief requested herein.

Dated: July 22, 2022

Respectfully submitted,

/s/ James Shimota by permission Wesley Hill

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CERTIFICATE OF CONFERENCE

The undersigned certifies that the parties worked together via email to negotiate Plaintiff's request for limited venue discovery and extension of time to respond to the Motion to Dismiss. The parties reached agreement on the limited venue discovery and extension of time Plaintiff seeks. Accordingly, Defendants do not oppose the limited venue discovery or extension of time requested in this Motion.

/s/ Wesley Hill

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on July 22, 2022 to counsel of record for Defendants.

/s/ Wesley Hill